



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3004 OF 2023**

Rohit Hariprasad Yadav	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Jash B. Vyas, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. B.L.Chaudhari, API Boisar Police Station, present.

CORAM: N.J.JAMADAR, J.

DATE : 30 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.182 of 2023 registered with Boisar Police Station for the offences punishable under Sections 324, 323, 504 read with Section 34 of the Indian Penal Code. Subsequently, a charge for the offence punishable under Section 307 of IPC came to be added.
3. The learned Counsel for the Applicant invited the attention of the Court to an order dated 21 September 2023 passed by this Court releasing the co-accused Deepak Kaushal Pathak @ Golu on pre-arrest bail. The learned Counsel for the Applicant submitted that in paragraph No.3 of the said order, it has been incorrectly mentioned that the Applicant – Rohit Singh Yadav had allegedly assaulted the first informant by means of a knife.

4. I have perused the allegations in the FIR. The submission of the learned Counsel for the Applicant appears to be sustainable. The first informant alleged that it was Rahul Singh, Accused No.1, who had assaulted him by means of a knife.

5. The learned Counsel for the Applicant submitted that the said co-accused Rahul Singh has been released on regular bail.

6. Though the role of having caught hold of the first informant is attributed to the applicant, the question as to whether the applicant shared common intention to cause grievous injuries to the first informant inflicted by the co-accused Rahul Singh, would be a matter for adjudication. I am, therefore, impelled to exercise the discretion in favour of the applicant as the principal accused has been released on regular bail and the co-accused has also been given dispensation of pre-arrest bail.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Rohit Hariprasad Yadav in connection with C.R.No.182 OF 2023 registered with Boisar Police Station, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Boisar Police Station on every alternate Saturday from 10.00 a.m. to 1.00 p.m. for a period of two months or till the filing of the chargesheet whichever is earlier.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The Application stands disposed.

(vi) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

(N.J.JAMADAR, J.)